

Remarks

A. Claims Pending

Claims 1058-1063, 1065-1067, 1069-1096, 5397, 5440-5446, 5448-5454, and 5456-5485 are pending in the case. Claims 5457-5459 have been amended.

B. 35 U.S.C. 112 Rejections

Claims 5457-5459 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated: "Claims 5457, 5458 and 5459 recite the limitation "the pyrolysis zone" in line 2 of each claim. There is insufficient antecedent basis for this limitation in the claim." Amended claims 5457-5459 now recite "the part" rather than "the pyrolysis zone". Applicant respectfully requests removal of the rejection of claims 5457-5459.

C. Double Patenting Rejection

Claims 1058-1063, 1065-1067, 1069-1096, 5397, 5440-5446, 5448-5454, and 5456-5485 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1041-1080 of copending Application No. 10/131,285. Applicant disagrees with the Examiner's arguments and does not believe that a terminal disclaimer is needed for the present application and the above-noted application, but in the interest of expediency, a terminal disclaimer for the applications is provided as a separate document.

D. Additional Remarks

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes that no fees are due with the filing of this document. If an extension of time is required, Applicant requests the appropriate extension of time. If fees are required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-01100/EBM.

Respectfully submitted,



David W. Quimby
Reg. No. 39,338

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
AUSTIN, TEXAS 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: February 2, 2004